REMARKS

A total of 16 claims remain in the present application.

By way of the above-noted amendments, claim 1 has been amended to clarify the subject matter of the present invention.

Referring now to the text of the Office Action:

- claims 1, 3-6, 10-12 and 16-18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teachings of Kuroyanagi et al (US Patent No. 6,072,610);

- claims 7, 8, 13 and 14 still stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Kuroyanagi et al (US Patent No. 6,072,610) in view of Yin et al (US Patent No. 6,246,747);

The Examiner has asserted that claims 1, 3-6, 10-12 and 16-18 are obvious in view of the re-applied Kuroyanagi et al. reference. In the Office Action the Examiner states that "Kuroyanagi et al shows working fiber and standby (protection) fiber which is associated with an interface such as (e/o converter or o/e converter)...as shown in Fig. 6, each interface is associated with a corresponding fiber (working or protection), therefore, the interface can be indicated as working interface or protection interface. Since each of the working fiber and protection fiber is coupled to the interface, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made or in the design stage of the network to select the number of protection interfaces of (associated with each standby or protection fiber) based on a probability of failure of a working interface (associated with each standby or protection fiber) provide working and protection interfaces." In addition, in the Response to Arguments of the Office Action the Examiner states that the "Applicant argues that Kuroyanagi et al. does not teach or suggest determining the number of required protection interfaces based upon failure probabilities of individual protection interface irrespective of path failure. The [Applicant's] claim does not recite such limitation."

Applicant submits that claim 1 has been amended to clarify that the protection interfaces are provisioned based on a probability of failure of a working interface. Claim 1 has also been amended to define that the traffic streams through the hybrid electronic/photonic switching system can be re-routed to bypass a failed interface without altering traffic flows within the communications network itself, as each of the interfaces can be selected independently of the working and protection optical channels of the communications network. This amendment clarifies that the failure rate of the working and protection fibers does not directly determine the provisioning of the number of protection interfaces as disclosed in Kuroyanagi et al. The present invention allows for the protection interfaces to be provisioned based upon failure rates of the working interface in the hybrid electronic/photonic switching system rather than failure rates of the actual optical channel itself. This allows for the hybrid electronic/photonic switching system to be more efficiently configured with reduced cost. As discussed in the previous response, the known art is to provision interfaces directly based upon the optical channel failure rates, as shown in Kurotanagi et al, which are more likely to occur based on external influences such as accidental fiber cuts. The traditional methodology of switch configuration has resulted in inefficient operation of hybrid electronic/optical switching hardware.

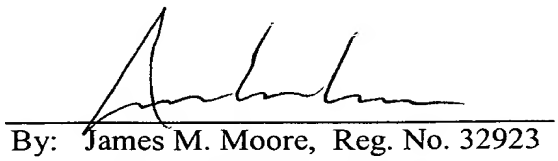
Accordingly, it is submitted that Kuroyanagi et al. fails to teach or suggest the combination of elements of amended claim 1, and therefore claim 1 and the dependent claims are patentable over the teachings of Kuroyanagi et al. (US Patent No. 6,072,610). In light of the foregoing, it is respectfully submitted that the subject matter of claims 1, 3-6, and 10-12 is clearly distinguishable over the teaching of Kuroyanagi et al. (US Patent No. 6,072,610) and it is respectfully requested that the Examiner's rejection be withdrawn.

As the subject matter of claims 7, 8, 13 and 14 are dependent on claim 1, they are clearly patentable over Kuroyanagi et al. (US Patent No. 6,072,610) in view of Yin et al. (US Patent No. 6,246,747) for the same reasons as discussed above. Yin et al. fail to provide the missing teachings to render claim 1 obvious as Yin et al. disclose a tunable laser only. Thus it is believed that the present application is in condition for allowance, and early action in that respect is courteously solicited.

If any fees are required by this communication, please charge such fees to our Deposit Account No. 160820, Order No. 34172.

Respectfully submitted,

PEARNE & GORDON LLP



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